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JAMAL SHEHADEH, )  
 )  
 v. ) No. 02-0002  
 )  
 CENTRAL ILLINOIS PUBLIC SERVICE COMPANY )

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**RESPONDENT CENTRAL ILLINOIS PUBLIC SERVICE COMPANY'S**  
**REPLY BRIEF**

Respondent Central Illinois Public Service Company ("CIPS"), by its attorneys, Sorling, Northrup, Hanna, Cullen and Cochran, Ltd., Stephen R. Kaufmann, of counsel, hereby submits its Reply Brief in support of its position in this case. CIPS prays that Petitioner Jamal Shehadeh's ("Shehadeh") Complaint be dismissed and that no relief be provided to him.

CIPS believes its Initial Brief adequately stated its position regarding this case and it would be burdensome and unnecessary to respond on a point-by-point basis to assertions made in Complainant's Trial Brief, which in many cases raises irrelevant and inaccurate information and misses the key issues in this case. Rather, CIPS wishes to make the following points regarding Complainant's Trial Brief for consideration by the Administrative Law Judge:

1. Shehadeh argues or at least implies that CIPS is attempting to classify his residence as "commercial" and therefore exempt under Section 410.300(c). CIPS has never stated or taken the position that Shehadeh's residence is commercial. However, Section 410.300(c) is not limited to commercial operations. That Section is fully applicable to the operation of large commercial-type heaters at his residence.

2. CIPS has consistently questioned Shehadeh's "need" to use commercial heating units in his garage which have created the alleged service problem to his residence. CIPS believes that in order to supply the required BTU's to heat the garage for Shehadeh's personal comfort during the Christmas light season, that rather than running numerous large commercial heaters for a short period of time, he should use either fewer large commercial heaters or normal residential-type heaters. The fact that Shehadeh, despite being advised of the problem, insisted on running these commercial heaters which have caused the problem, calls into question Shehadeh's intent in using those units. CIPS in Robert Derber's prepared testimony (Exhibit "1", pages 1 and 2) detailed the past litigation by the Shehadeh family against CIPS and in fact the veiled threats made against that company. It is not unreasonable to believe that Shehadeh's use of those heaters in his garage were for anything but an attempt to build a case against CIPS for deficient service. The Illinois Commerce Commission should not reward such behavior, but rather should rule that CIPS has adequately provided service to the Shehadeh residence.

3. CIPS, contrary to Complainant's Trial Brief, did not agree that the voltage drop on the service wire was four volts. Instead, CIPS stated that the voltage drop was 3.6 volts. (Transcript, pp. 196, 215).

4. It is not correct, as stated in Complainant's Trial Brief, that the National Electric Code ("NEC") rates the CIPS service wire as 163 amps. The NEC does not apply to electric utility operations. Article 90.2, Section B of the Code states that "Installations under the exclusive control of an electric utility where such installations (a) Consists of service drops or service lateral, and associated metering" are not covered. Therefore, any reference to the NEC putting a rating on the wire used by CIPS is not factually correct. CIPS has rated its wire at 162

amps during summer conditions and 229 amps during “emergency conditions”. CIPS’ ratings have significant safety margins and have been used consistently throughout its system for many years.

5. In his Trial Brief, Shehadeh states “CIPS also states that a 400 amp service is a residential option that would solve his and his neighbors’ problems with low voltage for about 4500-5000 Dollars.” (Page 7 of Trial Brief). Shehadeh misquotes the record. CIPS did not state, through Robert Derber, that “his neighbors” had problems with low voltage. Shehadeh did not establish at the hearing or otherwise that any of his neighbors have had any problems with low voltage. To the contrary, Shehadeh’s testimony indicated that any voltage drop experienced by the neighbors would not be below acceptable limits (Transcript, p. 165).

CIPS’ position is best summed up by the following testimony of Mr. Derber at pages 219 and 220 of the Transcript of the hearing:

“Q. And while I don’t necessarily and I don’t think anybody here, especially the Court Reporter, necessarily wants you to go through on a page-by-page basis, could you do so and explain to the Commission and to the Judge that that is, in fact, not the case? That there have not been violations?”

A. If I can answer that I guess in kind of a generic sense, I hope keeping everybody’s time in mind here, I guess the first thing I would point out is that if you look at a lot of the current levels that are shown on these charts, you will see values that exceed 200 on a fairly regular basis.

That aside, when you look at some of these long duration highlights, you will also see currents that stay in the 140, 160 range, and then if you look at the corresponding voltage chart, you will see levels above – at or above 117 volts when using the third and sixth columns, which is appropriate based on the – what’s the right word? The ICC guidelines.

So, in a nutshell, you know, you can look at each one of them individually, but you’ll see numerous occasions where it’s over 200 amps, in which case we do not, in my mind, need to maintain it, and when he keeps it reasonable, 150, 160,

170 amps even, we maintain adequate voltage. It's the application of these horrific heaters that are causing him his own problem.

Q. And the heaters are these grain dryers or the --

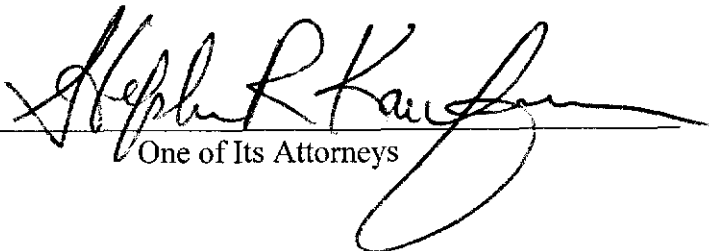
A. Grain drying heaters, that's correct.

Q. -- auxillary heaters that were located in his garage for Christmas 2001.

A. Correct."

WHEREFORE, CIPS prays that the Illinois Commerce Commission dismiss the instant Complaint and not grant any relief to Petitioner.

CENTRAL ILLINOIS PUBLIC SERVICE  
COMPANY, Respondent

By   
One of Its Attorneys

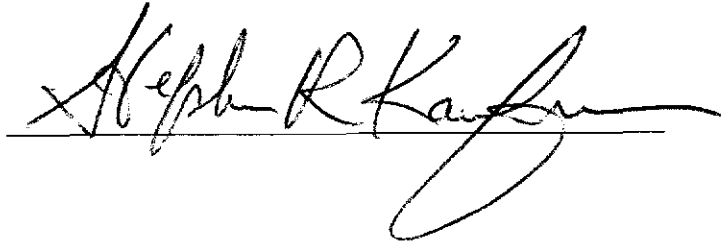
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**PROOF OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served by placing same in a sealed envelope addressed to:

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and by placing said envelope in the U.S. Mail in Springfield, Illinois on the 11th day of October, 2002.

A handwritten signature in cursive script, reading "Stephen R. Kaufman", is written over a horizontal line. The signature is fluid and stylized, with a large loop at the end.